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Chairman: Mr. Abelian (Armenia)
*Chairman of the Advisory Committee on Administrative
and Budgetary Questions:* Mr. Mselle

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The meeting was called to order at 3 p.m.

Agenda item 135: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*) (A/52/520 and A/52/891; A/53/651; A/C.5/52/47; A/C.5/53/12 and A/C.5/53/13)

Agenda item 137: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*) (A/52/520 and A/52/784; A/53/659; A/C.5/52/48; A/C.5/53/14 and A/C.5/53/15)

1. **Mr. Watanabe** (Japan) said that his Government had already expressed its support for the activities of the International Tribunal for the Former Yugoslavia. At the same time, it attached importance to the principle of accountability and transparency in the budget preparation process and to efficiency in the use of funds. The costs of the Secretary-General's budget proposal was far too high, and his delegation could not endorse it. The proposed budget for 1999 was 55 per cent higher than the initial budget for 1998 and almost triple the original 1997 budget. The reasons given for the increase, that the third Trial Chamber was in full operation and the number of cases was increasing, were not convincing given the high vacancy rate. His delegation would be very interested in seeing a detailed explanation of the need for a total of 267 additional posts.

2. It had been suggested that, in comparison with the International Court of Justice, the International Tribunal for the Former Yugoslavia was overstaffed at the administrative level. His delegation therefore requested a comparison of the number of administrative staff per judge, in both the Professional and the General Service categories, in the two International Tribunals and the International Court of Justice, along with a comparison of costs. More time should be allocated to consideration of the proposed budgets for the International Tribunals. A third-party review of the activities of the International Tribunals was needed, and in that regard his delegation fully supported the recommendations of ACABQ in paragraphs 65 to 67 of its report (A/53/651).

3. Many of the concerns already expressed regarding the International Tribunal for the Former Yugoslavia also applied to the financing of the International Criminal Tribunal for Rwanda. The main difference between the situations was that the functions of the latter were divided between The Hague, Arusha and Kigali. However, even taking that element into consideration, his delegation did not understand the necessity for the 1999 budget request of \$80.6 million, an increase of 43.6 per cent over the 1998 initial appropriation. It intended to seek further clarifications in the consultations, including information on the number of administrative staff members per judge and their cost.

4. **Mr. Odaga-Jalomayo** (Uganda) said that his delegation attached great importance to the International Tribunals for the Former Yugoslavia and Rwanda and therefore deeply regretted the late submission of reports under the relevant agenda items. The General Assembly should take a decision that only agenda items for which reports had been issued in compliance with the six-week rule would be considered, unless there was a clear explanation from the Secretariat of the reason for the delay.

5. His delegation had noted with satisfaction the corrective measures implemented by the new administration of the International Criminal Tribunal for Rwanda, and it encouraged the administration to strive for even higher levels of management efficiency. Management problems still requiring attention included the high vacancy rate, slow recruitment process, lack of recent accounting data, controls over expenditures on fuel, supplies and materials in particular, backlog in procurement activities and, most important of all, the health of detainees and their conditions of detention.

6. His delegation welcomed the decision of the Security Council that the three newly elected judges should begin their terms of office as soon as possible. It was concerned, however, about the administrative weaknesses resulting from the fact that the Prosecutor was permanently stationed at The Hague, while the Deputy Prosecutor was stationed at Kigali. In order to operate effectively, each Tribunal should surely have its own Prosecutor, and it was to be hoped that the Secretary-General would take steps to address that concern. It seemed that, with the use of modern communications technology, effective coordination and communication could be maintained between The Hague and Arusha without the need to transfer the Arusha staff to The Hague. Therefore, his delegation would have difficulty in supporting the continuation of the five Professional and two General Service posts at The Hague, and unless provided with very convincing reasons it could not support the creation of the

new P-4, P-2 and General Service posts for the President of the Appeals Chamber to be stationed at The Hague.

7. The transfer of the Trial Section from Kigali to Arusha must be carried out in a manner that did not disrupt its operations. His delegation was pleased to note that fees for defence counsel for the two Tribunals were similar, as it had always held the view that the two Tribunals and any future tribunals should have similar arrangements to the extent possible. It concurred with the opinion of ACABQ as reflected in paragraph 52 of document A/53/659, and it also supported the proposals made in paragraphs 84 to 86 of the same document.

8. With regard to the International Tribunal for the Former Yugoslavia, his delegation was disappointed with the 1999 budget format, which was based on projected activities rather than actual performance results of workload indicators. It shared the concern of ACABQ that in the revised estimates for 1998 the combined vacancy situation of the organ of the Tribunal did not support the new posts assumed (A/53/651, para. 12). His delegation would welcome information on expenditures for public relations and information. It could not endorse the requests for the establishment or reclassification of posts and the establishment of new units unless there was more convincing justification.

9. **Mr. Wharton** (United States of America) said that in general, his delegation supported the recommendations of ACABQ regarding the International Tribunals for the Former Yugoslavia and Rwanda. In particular, it supported the recommendation that a management review should be undertaken of both Tribunals. However, it believed that the Office of Internal Oversight Services (OIOS) should conduct the review, rather than independent experts as recommended by ACABQ in paragraph 84 of document A/53/659.

10. With regard to the International Criminal Tribunal for Rwanda, his delegation continued to be concerned about reports of inefficiency, particularly in hiring and procurement practices. Hiring must be accelerated in order to pursue investigations and undertake trials. Procurement difficulties must be resolved in order that needed equipment might be obtained and put to use. His delegation supported the ACABQ recommendation that 29 new language posts should be established (A/53/659, para. 71). The Trust Fund should be used to meet the critical needs of the Office of the Prosecutor and of the Trial Chambers. His delegation agreed that, in order to enhance the effectiveness and professionalism of the judges, the number of legal assistants should be increased from 9 to 18. It looked forward to a

detailed discussion of the budget submissions for both Tribunals during informal consultations.

11. **Ms. Buergo-Rodriguez** (Cuba) said that her delegation looked forward to receiving detailed information on the International Criminal Tribunal for Rwanda during the informal consultations. Specifically, it would like to know what recruitment methods were being used, the extent to which the absence of the Prosecutor was a handicap, and what standards were being applied in the area of conditions of detention for those awaiting trial.

The meeting rose at 3.30 p.m.